

Remarks

This Election is responsive to the Restriction Requirement issued of **May 2, 2005**.

Summary of The Restriction

Restriction to one of the following inventions was required under 35 U.S.C. 121:

- I.** Claims 22-30, drawn to a process of imaging media in an image forming device, classified in class 271, subclass 65.
- II.** Claims 31, drawn to a process of configuring an image forming device, classified in class 271, subclass 264.
- III.** Claims 1-21, drawn to a media handling system, a media handling apparatus and an image forming apparatus, classified in class 271, subclass 301.

Election

In response to the Restriction Requirement, Applicant elects, with traverse, to prosecute Invention III, claims 1-21.


Applicant does not believe that Group I claims 22-30 are distinct from Group III claims 1-21 in accordance with MPEP 806.05(e). The Office Action, at the bottom of page 2, provides a conclusion for the restriction but provides no examples. According to MPEP 806.05(e), "The burden is on the examiner to provide reasonable examples that recite material differences." Since the Examiner has not provided a reasonable example, a prima facie case for the propriety of the restriction requirement has not been presented. Thus, the restriction should be withdrawn.

Looking to the language of claim 22, an apparatus that can practice the claimed process (which includes inputting media into the duplex media path) would need to be configured to handle such inputting. The system of claim 1, the apparatus of claim 10, and the apparatus of claim 16 are configured to handle such inputting based on their specific claim language. Therefore, the process of claims 22-31 cannot be practiced by another materially different

apparatus as required under MPEP 806.05(e). Claims 1-21 and claims 22-30 are proper method and apparatus claims that should not be restricted, and Applicant requests that the restriction requirement be removed.

Respectfully submitted,

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